



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5565

by Rep. Carol A. Sente

#### SYNOPSIS AS INTRODUCED:

765 ILCS 77/72

Amends the Predatory Lending Database Article of the Residential Real Property Disclosure Act. Provides that if a borrower applies for a loan lacking certain features, the information required to be submitted by a broker or originator for inclusion in the predatory lending database is limited to the borrower's name, address, social security number or taxpayer identification number, date of birth, and any other borrower contact information required by the Department of Financial and Professional Regulation by rule.

LRB098 18742 HEP 55529 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Residential Real Property Disclosure Act is  
5 amended by changing Section 72 as follows:

6 (765 ILCS 77/72)

7 Sec. 72. Originator; required information.

8 (a) Except as otherwise provided in this Section, as ~~As~~  
9 part of the predatory lending database program, the broker or  
10 originator must submit all of the following information for  
11 inclusion in the predatory lending database for each loan for  
12 which the originator takes an application:

13 (1) The borrower's name, address, social security  
14 number or taxpayer identification number, date of birth,  
15 and income and expense information, including total  
16 monthly consumer debt, contained in the mortgage  
17 application.

18 (2) The address, permanent index number, and a  
19 description of the collateral and information about the  
20 loan or loans being applied for and the loan terms,  
21 including the amount of the loan, the rate and whether the  
22 rate is fixed or adjustable, amortization or loan period  
23 terms, and any other material terms.

1           (3) The borrower's credit score at the time of  
2 application.

3           (4) Information about the originator and the company  
4 the originator works for, including the originator's  
5 license number and address, fees being charged, whether the  
6 fees are being charged as points up front, the yield spread  
7 premium payable outside closing, and other charges made or  
8 remuneration required by the broker or originator or its  
9 affiliates or the broker's or originator's employer or its  
10 affiliates for the mortgage loans.

11          (5) Information about affiliated or third party  
12 service providers, including the names and addresses of  
13 appraisers, title insurance companies, closing agents,  
14 attorneys, and realtors who are involved with the  
15 transaction and the broker or originator and any moneys  
16 received from the broker or originator in connection with  
17 the transaction.

18          (6) All information indicated on the Good Faith  
19 Estimate and Truth in Lending statement disclosures given  
20 to the borrower by the broker or originator.

21          (7) Annual real estate taxes for the property, together  
22 with any assessments payable in connection with the  
23 property to be secured by the collateral and the proposed  
24 monthly principal and interest charge of all loans to be  
25 taken by the borrower and secured by the property of the  
26 borrower.

1           (8) Information concerning how the broker or  
2           originator obtained the client and the name of its referral  
3           source, if any.

4           (9) Information concerning the notices provided by the  
5           broker or originator to the borrower as required by law and  
6           the date those notices were given.

7           (10) Information concerning whether a sale and  
8           leaseback is contemplated and the names of the lessor and  
9           lessee, seller, and purchaser.

10          (11) Any and all financing by the borrower for the  
11          subject property within 12 months prior to the date of  
12          application.

13          (12) Loan information, including interest rate, term,  
14          purchase price, down payment, and closing costs.

15          (13) Whether the buyer is a first-time homebuyer or  
16          refinancing a primary residence.

17          (14) Whether the loan permits interest only payments.

18          (15) Whether the loan may result in negative  
19          amortization.

20          (16) Whether the total points and fees payable by the  
21          borrowers at or before closing will exceed 5%.

22          (17) Whether the loan includes a prepayment penalty,  
23          and, if so, the terms of the penalty.

24          (18) Whether the loan is an ARM.

25          If none of the factors described in items (14) through (18)  
26          apply to an individual borrower, the Department shall require

1 the broker or originator to submit only the borrower's name,  
2 address, social security number or taxpayer identification  
3 number, date of birth, and any other borrower contact  
4 information required by the Department by rule.

5 (Source: P.A. 97-891, eff. 1-1-13.)